

### REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Claims 1-5, 11-15, 21-25, 31-38, 40-44, 46-49, 51, 54, 55, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haggard et al. in view of USPN 6,317,787 issued to Boyd et al. in further view of Network Working Group Request for Comments: 1739 submitted by Kessler et al.

(Amended) Regarding claims 1, 11, and 21, Haggard et al. teach a method (claim 1), a system (claim 11), and a computer program (claim 21) for real-time measurement of the performance of communications on a large area network between a selected server and a plurality of users at client machines, based upon actual user experience, including accessing a server log having records of actual user access to the selected server (Abstract); aggregating records from the server log into a database (col. 7, lines 22-44); performing at least one statistical analysis of each time bin on each aggregate slot (col. 7, lines 22-44); and outputting the results of such statistical analysis as an indication of actual usage by users (Abstract; col. 2, lines 51-67 - col. 3, lines 1-6; col. 7, lines 23-44; figure 5).

However, Haggard et al. fail to explicitly teach: accessing a server log having records indicative of routings through nodes of the network of actual user access to the selected server, wherein at least one of the nodes is part of a communication path connecting one of the client machines to the selected server; aggregating records from the server log into a plurality of aggregate slots, each slot having at least one time bin which represents an interval of time, based on an aggregation method; and performing at least one statistical analysis separately of each time bin on each aggregate slot. Kessler et al. teach accessing a server log having records indicative of routings through nodes of the network of actual user access to the selected server, wherein at least one of the nodes is part of a communication path connecting one of the client machines to the selected server and outputting the access-to-server result (Section 2.2 PING, and Section 2.4 TRACEROUTE).

Boyd et al. teach: aggregating records from the server log into a plurality of aggregate slots, each slot having at least one time bin which represents an interval of time, based on an aggregation method (figure 5; col. 1, lines 27-35; col. 2, lines 5-11; col. 3, lines 47-59; col. 8, lines 37-42); and performing at least one statistical analysis separately of each time bin on each aggregate slot (col. 3, lines 47-59; col. 4, lines 10-25). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to access a server log having records indicative of routings through the network of actual user access in order to calculate and monitor throughput of the network, and aggregate records into a plurality of aggregate slots having time bin and analyzing the slots separately in order to identify trends, statistics and other information regarding traffic data (Boyd, col. 4, lines 18-20), therefore, facilitating in analyzing user's experience on the network.

Claims 1, 11, and 21 have been amended to recite the limitations of original claims 2, 12, and 22, respectively.

**Regarding claims 2, 12, and 22, Haggard et al. fail to teach the method of claim 1, the system of claim 11, and the computer program of claim 21, further including filtering out selected records from the server log before the step of aggregating. Boyd et al. teach filtering out selected records from the server log (figures 6 and 7, no. 64). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to filter out selected records from the server before the step of aggregating in order to remove unwanted records that will not be analyzed, thus improving the speed in making performance analysis.**

The applicant respectfully disagrees. Boyd neither discloses nor suggests filtering out selected records from the server log as recited in amended claim 1. Rather, in FIGS. 6-8 and accompanying text in col. 6, line 57 to col. 8, line 7, Boyd describes sorting hits to provide a chronological listing of hits according to the time that the hits were generated. Sorting is not the same as filtering. Nowhere, does Boyd disclose or suggest filtering out selected hits from the server log, much less filtering out selected hits before aggregating the hits.

Regarding claims 3, 13, and 23 ...

Regarding claims 4, 14, and 24 ...

Regarding claims 5, 15, and 25 ...

Regarding claim 31 ...

Regarding claims 32, 40, and 46 ...

Regarding claims 33 and 41 ...

Regarding claims 34, 42 and 47 ...

Regarding claim 35 ...

Regarding claim 36 ...

Regarding claims 37, 43 and 48 ...

Regarding claims 38, 44 and 49 ...

Regarding claims 51, 55, and 59 ...

Regarding claims 54 and 58 ...

Claims 39, 45 50, 53, 57 and 61 ...

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Regarding claims 39, 45 and 50 ...

Regarding claims 53, 57, and 61 ...

Claims 52, 56, and 60 ...

Independent claims 11 and 21 are patentable for at least the reasons for which claim 1 is patentable. All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

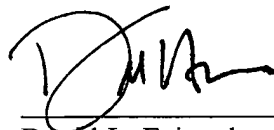
Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

While no fees are believed due at this time, please apply any charge deficiencies or credits to deposit account 06-1050, reference 10559-096001.

Respectfully submitted,

Date: 3/1/6



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